


FILED
DEC 11 2009

CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

CHARLES THORNTON,

Plaintiff,

vs.

DOUGLAS WEBER,

Defendant.

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CIV. 09-4083

ORDER

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

Although the Report and Recommendation was served upon the Plaintiff, the mail was returned as undeliverable. It is Plaintiff's responsibility to keep the Court advised of his current address. No current address is on file with the clerk.

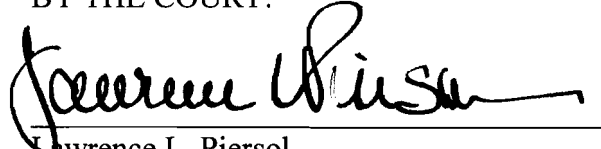
After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 7) is ADOPTED.
2. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted.
3. Plaintiff remains responsible for payment of the balance of the \$350.00 filing fee.

Dated this 11th day of December, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lawrence L. Piersol", written over a horizontal line.

Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Summa Wahid, Deputy
(SEAL)